

PUBLIC WORKS COMMITTEE

AGENDA

TOWN OF CHINCOTEAGUE

October 9, 2007 – 6:00 pm – Council Chambers – Town Hall

CALL TO ORDER

ROLL CALL

PUBLIC PARTICIPATION

AGENDA ADOPTION

1. Public Works monthly report - September 2007
2. Pump and haul contract requirements
3. Trash fee policy amendments
4. Waterworks operations and maintenance manual discussion
5. Committee member comments

Public Works Projects September 2007

Public Works Administration

- Responded to numerous inquiries pertaining to newly implemented trash collection fees. First set of bills went out on September 4 to cycle 2 customers. Sent around 20 notice letters to larger cycle 1 customers who will not be receiving their first bill until November 1.
- Researched and developed policy to provide trash collection fee exemptions.
- Initiated weekly meeting with key Public Works staff to improve planning and coordination.
- Researched and developed proposal for pump and haul sewage contracts for properties that are not owned by the Town.

Facilities

- Repaired several deteriorated benches in Memorial Park. Also constructed four new benches.
- Continued research on playground safety requirements, obtained staff training materials and equipment test gauges. Completed installation of new mulch surface under the geodesic dome climber.
- Held pre-construction meeting with contractor for Curtis Merritt Harbor and downtown restroom facilities. Our engineer needs to submit revised septic plans to the health department.

Roads

- Installed approximately 30 feet of new drain pipe at a property on Merritt Drive.
- Installed approximately 100 feet of new drain pipe at a property on Sunrise Drive Circle.
- Met with engineers on two occasions to develop and refine plans for the Church Street project. The first phase of this project will involve replacing the water lines and drain pipes and adding drain inlets from Main Street to Fowling Gut. The project was advertised on October 3 for a bid opening on October 16.
- Contracted a video pipeline inspection and jet cleaning of a pipe that runs from Main Street to the Channel. This was mostly successful and provided good information for possible connections to the Church Street project.

Waterworks

- Repainted buildings on Mainland and at our Willow Street facility.
- The first phase (phragmites treatment) of the marsh restoration project was completed. Filling and replanting will be done next spring.
- Installed new water service on Vivian Street. Resolved property line question and installed new water service on Leonard Lane.
- Kelly Fox attended an American Waterworks Association customer service workshop.

- Mike Cosby attended a Waterworks Operator's short school provided by Virginia Tech and the VDH.
- Utility Service Company is scheduled to return on October 15 to complete the painting contract at the ground water storage tank. This should be completed in about two weeks, after which we will complete the aquifer tests.

Mosquito Control

- Conducted our fifth aerial spray of the season on September 30.

MEMORANDUM

To: Public Works Committee

From: Mike Cosby, Public Works Director

Date: September 28, 2007

Subject: Pump and Haul Policy

Town Council recently approved the addition on the NAPA property to our Pump and Haul permit with the Health Department. Since this is a privately owned property over which we have no direct control we should consider the terms of the addition carefully. The VDH regulations state that “pumping and hauling on a permanent basis is prohibited unless done under the auspices and supervision of a government entity”. Another important point in the regulations states that the construction permit for the system will be issued to the government entity and not the owner of the property. I am comfortable with the responsibility for the construction and operation of Town-owned facilities but believe that we need to establish formal guidelines for other situations.

I have reviewed the VDH regulations and our Pump and Haul permit as well as some examples of legislation from other Virginia localities. Attached is a proposed policy for additions to our Pump and Haul permit. This should also be reviewed by our attorney.

Pump and Haul Sewage Disposal

- I. The Town Council may approve the inclusion of a facility on the authorized facilities list of the Town's Permanent Pump and Haul Agreement and General Permit whenever the sewage generated by any residential, commercial or other facility can only be practically disposed of by pumping and hauling such material, as described by the *Sewage Handling and Disposal Regulations* promulgated by the Virginia Department of Health (VDH). The property owner shall make a written request to the Town Manager that describes the reason for the request and the proposed use of the building and/or site. The owner shall also provide engineered designs of the proposed sewage system in a form that is suitable to meet the local health department's storage facility construction permit requirements. The sewage storage facility shall be designed in accordance with the requirements found in the current edition of *Sewage Handling and Disposal Regulations* of the VDH.
- II After the Town Council determines that a facility should be added to the General Permit, the Town Manager shall prepare a contract that describes the terms and conditions upon which such addition shall occur. No facility shall be added to the General permit until such contract is signed by the owner and delivered to the Town Manager in recordable form for his signature on behalf of the Town Council. At a minimum, such contract shall provide:
 1. - That the term of the contract and placement on the general permit shall not exceed two (2) years, but additional two (2) year terms may be authorized by the Town Council under such terms and conditions as it may direct.
 2. - That the owner agrees to construct and maintain the proposed facility in accordance with the requirements of the current edition of the *Sewage Handling and Disposal Regulations* of the VDH.
 3. - That a written agreement exist between the owner and a properly licensed hauler. This contract must describe the maintenance schedule for the facility and state that all costs incurred in the pump and haul operation shall be paid by the owner.
 4. - That the owner must notify the Town, in writing, of any material change in circumstances affecting the pump and haul operation, including but not limited to any information that he or she may receive that indicates or seems to indicate a violation of the permit or any applicable VDH regulations. Owner shall also notify the Town prior to a significant change of use of the facility
 5. - That the owner and hauler must agree to fully indemnify, defend and hold the Town harmless against all costs and lawsuits, and to provide

insurance – and proof thereof – in the minimum amount of \$100,000 for the owner and \$1,000,000 for the hauler or its equivalent as approved by the Town Attorney, naming the Town as an additional insured.

6. - That surety for the performance of the contract may be required in an amount to be determined by the Town Manager or his designee and in a form approved by the Town Attorney. This may be in the form of a bond or letter of credit in an amount deemed necessary to remove or properly abandon the pump and haul system.

7. - That the owner grants permission for the Town or its agents to enter the property for inspections as it deems necessary or to remove or properly abandon the system upon the failure of the owner to do so.

8. - That, in the event a public sewer line should become available within 500 feet of the such facility, the owner shall connect the facility to such line with all possible diligence, thereby terminating the contract and the placement on the General Permit.

9. - That the contract may be terminated and the facility removed from the General Permit on thirty (30) day notice by the Town Council. This thirty (30) day notice shall not apply in circumstances where violations of VDH regulations exist, if the conditions of the contract between the Town and the owner are not met, or if the Town's General Permit is revoked.

45 ((3)) A
45 ((3)) B

PERMANENT PUMP AND HAUL AGREEMENT AND GENERAL PERMIT

This PERMIT is issued by the State Health Commissioner ("Commissioner") to the Town Council of the Town of Chincoteague ("Town") pursuant to Part IV, Article 4, § 12 VAC 5-610-598 et. seq. of the State Board of Health Sewage Handling and Disposal Regulations (July, 2000, the "*Regulations*").

The Commissioner and Town believe that pumping and hauling pursuant to Part IV, Article 4, § 12 VAC 5-610-598 et. seq. of the "*Regulations*" is the only practical method for disposal of sewage in certain areas. Accordingly, the Town has adopted by ordinance, a framework for authorizing and appropriating funds, or otherwise ensuring for the provision of pump and haul services, either directly or through a private contractor, to the facilities from which sewage is pumped and hauled.

Pursuant to Part IV, Article 4, § 12 VAC 5-610-598 et. seq. of the "*Regulations*", the Commissioner and the Town agree as follows:

1. The Town will notify the Commissioner, in writing, within one week to the expiration of, revocation of, or failure to renew the appropriation for the pump and haul services to a served structure.
2. The Town will notify the Commissioner, in writing, of any material change in circumstances affecting the pump and haul operation that is the subject of this Agreement, including but not limited to the availability of sewer hookup to the structure(s) served and any significant change in the use of a served facility.
3. The Commissioner, or the Commissioner's designee, will notify the Town in writing of any information he/she may receive that indicates or seems to indicate a violation of the permit.

This authorizes the Town pursuant to Part IV, Article 4, § 12 VAC 5-610-598 et. seq. of the Sewage Handling and Disposal Regulations to pump and haul sewage on a permanent basis from the facilities or structures listed below:

Curtis Merritt Harbor of Refuge Marina

The Town is furthermore authorized, pursuant to its ordinances, resolutions, or other approval and this Permit, to add individual facilities to this list. The Town may withdraw its supervision of the pump and haul from an individual facility as noted in paragraphs #1 and #2 above. This permit shall be subject to the following conditions:

1. Town may require bonding or other assurances from the third party owner of any served structure or facility.
2. In order to add a structure or facility, the Town shall apply to the local health department for a storage facility construction permit. The standard State fee for a sewage system application shall not apply, however, the Town may require that the third party submit any local fees which may apply.
3. No sewage storage facility shall be placed into operation until the local health department has inspected and approved the system.
4. If the Town ceases providing pump and haul services to any individual facility, the Town shall notify the Commissioner immediately. In such instances, the Commissioner, or the Commissioner's designee, shall notify the owner of the facility that pump and haul is no longer an approved method of sewage disposal and that a violation of the *Regulations* may be occurring. The Commissioner, or the Commissioner's designee, may initiate any lawful enforcement action necessary to enforce the *Regulations*.
5. If the General Permit is revoked, the Town must cease pump and haul operations at all facilities immediately.

STATE HEALTH COMMISSIONER

By: Robert B. Shoner

Date: 06/03/2005

TOWN COUCIL OF
THE TOWN OF CHINCOTEAGUE

By: John H. Jan Mayor

Date: 5/11/05

**Commonwealth of Virginia
State Board of Health**

**Sewage Handling and
Disposal Regulations**



July 1, 2000

**Virginia Department of Health
1500 E. Main Street
Richmond, Virginia 23219**

Table 4.3.
Summary of Separation Distances between Systems Using Naturally Occurring Undisturbed Soils and Limiting Site Factors.

Site Factor	In-Ground System ¹		Shallow-placed System ¹	
	Septic Tank Effluent	Secondary Effluent	Septic Tank Effluent	Secondary Effluent
Bed Rock	18"	12"	n/a	18" ²
Restriction	18"	12"	n/a	18"
Shrink-Swell Soil	18"	12"	n/a	18"
Slope	50%	50%	n/a	50%
Perc Rate	5-120 mpi	5-120 mpi	n/a	5-45 mpi ³
Water Table	18"	12"	n/a	12"

¹ The separation distances for in-ground and shallow-placed systems are measured from the trench bottom or other infiltrative interface vertically down to listed site factor.

² See also 12 VAC 5-610-596.C.2

³ See also 12 VAC 5-610-596.C.1

Table 4.4.
Summary of Separation Distances between Fill Systems and Limiting Site Factors.

Site Factor	Elevated Sand Mound		Sand-on-Sand System ²		Noncarbonaceous Mountain Colluvium	
	Septic Tank Effluent	Secondary Effluent	Septic Tank Effluent	Secondary Effluent	Septic Tank Effluent	Secondary Effluent
Bed Rock	24" ¹	24" ¹	18"	12"	18"	12"
Restriction	24"	12"	30"	24"	18"	12"
Shrink-Swell Soil	24"	12"	40"	30"	18"	12"
Slope	25%	25%	5%	5%	50%	50%
Perc Rate	5-120 mpi	5-120 mpi	5-30 mpi	5-30 mpi	5-120 mpi	5-120 mpi
Water Table	24"	10"	18"	12"	18"	12"

¹ 24 inches refers to creviced bedrock. This distance may be reduced to 12 inches when noncreviced bedrock is encountered. See the Wisconsin Mound Soil Absorption System Siting, Design, and Construction Manual, January 1990.

² The separation distance for sand-on-sand systems is measured from the ground surface vertically down to the listed site factor.

Article 4. Pump and Haul of Sewage.

12 VAC 5-610-598. General.

Pump and haul pertains to an unusual circumstance wherein sewage is permitted to be transported by vehicle to a point of disposal. Pump and haul includes all facilities and appurtenances necessary to collect and store the sewage for handling by a contractor having a valid sewage handling permit.

12 VAC 5-610-599. Permanent pumping and hauling.

Pumping and hauling on a permanent basis is prohibited unless done under the auspices and supervision of a government entity as provided for in 12 VAC 5-610-599.3 (see subdivision 2 of 12 VAC 5-610-410 for exception). Pumping and hauling for over one year shall be considered as a permanent pumping and hauling operation.

12 VAC 5-610-599.1. Emergency pumping and hauling.

When serious malfunctioning of an existing sewage disposal system, sewerage system or treatment works occurs, pumping and hauling may be authorized for a definite time period until the malfunctioning system can be reconstructed or repaired.

12 VAC 5-610-599.2. Temporary pumping and hauling.

Temporary pumping and hauling may be permitted under the following conditions:

1. It must be demonstrated that the temporary pumping and hauling of sewage is not the usual practice in order to permit premature and unplanned real estate or commercial development in an area where sewerage facilities do not exist;
2. Construction of an approved sewerage system or treatment works is actively in progress with personnel and machinery at work in the particular area. Bonding, cash escrow or other assurances shall be required to guarantee completion of the sewerage system and/or treatment works;
3. The completion of the sewerage system or treatment works is assured and a completion date within the definition of temporary pumping and hauling has been set; and
4. Any and all delays from the anticipated completion date shall be reported immediately by the holder of the pump and haul permit to the district or local health department. Delays not resulting from circumstances beyond the control of the holder of the pump and haul permit shall be grounds for revocation of the pump and haul permit.

12 VAC 5-610-599.3. Permanent pump and haul.

Permanent pumping and hauling of sewage may be permitted under the following conditions:

1. That the government entity enter into a contract with the department setting forth that the government entity will provide pump and haul services, either directly or through a private contractor holding a sewage handling permit, to the home(s), commercial establishment(s) or occupied structure(s) for the period the occupied structure is utilized or until connection can be made to an approved sewerage facility;
2. Upon completion of the contract between the department and the government entity, the commissioner shall issue a single pump and haul permit to the government entity. A separate construction permit shall be issued to the government entity for each sewage storage facility. The sewage storage facility(s) shall be designed and constructed in accordance with Article 7 (12 VAC 5-610-990 et seq.) of Part V of this chapter; and
3. When the government entity provides the sewage pump and haul services, it shall conform to the conditions contained in 12 VAC 5-610-380 and Article 8 (12 VAC 5-610-1020 et seq.) of Part V of this chapter.

Article 5.

Installation of Residential Sewage Disposal Systems in Political Subdivisions Having Soil Drainage Management Contracts with the State Health Department.

12VAC5-610-600. General.

It is the policy of the department to grant sewage disposal system permits for private residential systems utilizing subsurface soil absorption whenever such permits can be granted without endangering public health. Many soils are limited in their ability to accept sewage by high seasonal water tables. Some soils can accept sewage when an adequate local plan for soil drainage exists. When a political subdivision enters into a Soil Drainage Management Contract with the department and subsequently develops Soil Drainage Management Plan(s) in an area in which soils respond to artificial drainage and the plan is acceptable to the department, the department will consider the approval of subsurface soil absorption systems in soils that were previously unacceptable because of high seasonal water tables.

12VAC5-610-610. Definitions.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise.

"Soil Drainage Management Contract (SDMC)" means a contract between the department and the political subdivision for the development, operation, maintenance, and enforcement of all soil drainage management plans within the political subdivision.

"Soil Drainage Management Plan (SDMP)" means a plan approved by the commissioner, pursuant to 12VAC5-610-630 below, meeting the criteria set forth in 12VAC5-610-640 below.

MEMORANDUM

To: Public Works Committee

From: Mike Cosby, Public Works Director

Date: October 5, 2007

Subject: Proposed changes to trash collection fees

Over the course of the last month we have fielded numerous inquiries regarding the new trash collection fees. An overwhelming majority of these communications were residential in nature and based either on not living here full time or not using the service. I believe that we have already covered those objections sufficiently. There are, however, several other issues that I think deserve further consideration:

Provide a better definition of "habitable dwelling". The easiest answer here is that a dwelling with an active water meter is habitable, but this only works well for a single dwelling on a lot. When we checked lots in the field, there were a number of cases where dwellings were clearly not habitable. Those lots that had a single dwelling were simple to address because there was either no meter or an inactive meter. This is not the case with a trailer park, for instance, as there is one water meter that serves multiple dwellings. I am aware of many instances where this situation exists. I think the best solution here is to allow a property owner to apply for an exemption if they demonstrate that the property has been unoccupied for a year or more. This would not be as easy to verify, but we could keep a list of these properties and check periodically to see if there are any changes in status.

Differentiate between residential and commercial properties. The current code section states that "all habitable dwelling units shall be assessed". This creates a problem when there are multiple short term rental properties on the same lot because we have to charge the fee on a per unit basis. If we define short term rentals as those that are subject to the transient occupancy tax we can treat them as businesses rather than residential properties and can base the Town-provided commercial collection service on volume per parcel rather than number of dwelling units. Our current sanitation contract allows businesses one pickup of 300 gallons of trash per week in the off season and two collections of 450 gallons per week during the summer months. This is sufficient for many of the smaller short term rental properties and the larger ones should be providing their own service anyway. For example, if I owned a lot with six cottages, I would pay \$52 per year if it was considered a commercial property. The standard curbside container with wheels is 96 gallons, so I could put out three of those per week from September 1 through May 31 and nine per week from June 1 through August 31. If the charges were based on dwelling units my annual cost would be \$312. I would be getting more volume for my \$52 than a residential customer, but businesses are subject to business licenses

and other taxes so the Town would simply be subsidizing commercial entities more than residential properties.

Base Town-provided commercial collection service on volume. As stated above, our sanitation contract allows businesses one trash collection of 300 gallons per week from September through May and two pickups per week of 450 gallons during the summer. This is a reasonable amount for a small to medium sized business and I do not think the Town ever intended to provide this service on a larger scale basis.

Charge commercial properties on a per parcel basis instead of per business. Based on the current code we have been looking at businesses as dwelling units and applying the charges according to the number of separate businesses on the lot. I think we can provide a better service if we impose the charge per parcel up to the amounts specified in the sanitation contract. For example, if I own a lot with a lawyer's office, a small store and a barber shop, the whole operation could be served within the volumes in the contract so my service would cost \$52 per year for the whole lot as opposed to \$156 for the separate businesses. If I had a lawyer's office, a small store and a 100 seat restaurant on the lot, I would have to supply my own service as it would obviously not be feasible for the Town to provide that amount of service for \$52 or \$156 per year.

Attached is a proposed amendment to the code that addresses all of the situations above by altering Section 46-17(a) and adding Section 46-17(d).

Sec. 46-17. Billing and other charges

- (a) All habitable **residential** dwelling units shall be assessed per parcel and charged to the property owner and not the tenant(s) of each parcel. **Short term rental properties subject to transient occupancy taxes shall be considered commercial entities and charged according to Sec. 46-17(d)** A property owner may be granted exemption from charges if the dwelling or commercial property is unoccupied on a long term basis (twelve months or greater). Written requests for this exemption must be directed to the Town Manager for approval.
- (b) All solid waste will be billed quarterly and shall be delinquent 30 days after the billing date, with an applicable interest per month charge.
- (c) Any parcel that qualifies for exemption from real estate taxes pursuant to section 54-93 shall also be exempt from solid waste collection fees.
- (d) **Commercial properties shall be assessed per parcel and charged to the property owner and not the tenant(s). Each commercial parcel will be eligible for collection services in volumes and at frequencies determined by the Town from time to time. If actual volumes exceed allowed amounts, the property owner shall be responsible for the provision of commercial trash collection services.**

TOWN OF CHINCOTEAGUE INC.
WATERWORKS
Operations & Maintenance Manual

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